

REMARKS

This is responsive to the Office Action mailed June 22, 2005.

Objection to Abstract

The Abstract has been amended to eliminate the phrase "according to one aspect of the invention." However, Applicant respectfully disagrees that the Abstract did not previously meet the requirements cited. While phrases such as "The disclosure defined by this invention," and "The disclosure concerns," are implied and need not be stated, the phrase "according to one aspect of the invention" is not implied, because it is not necessarily true that the Abstract is intended to represent all aspects of the disclosure, although it could be. Ever since the Federal Circuit has held that the Abstract can be used in claim construction, and therefore that it may potentially be used as a basis for a narrowing interpretation of the claims, it has become necessary to draft the Abstract so that it is clear that the Abstract is not intended to be limiting, an intention that is arguably not implied without stating it. Therefore, in acquiescing to the Examiner's requirement to remove the phrase in this case, Applicants state here, for the record, that the Abstract is not intended to be limiting.

Objection to Specification

Figure 1 has been amended to correct the error noticed by the Examiner. Applicants thank the Examiner for his attention.

Obviousness Rejections

All of the claims stand rejected under 35 USC §103(a). Claims 1, 5 - 11, 15, and 16 stand rejected as being unpatentable over Onofrio, U.S. Patent No. 5,702,218 (“Onofrio”) in view of Mortensen, U.S. Patent No. 3,288,014 (“Mortensen”). The Examiner asserts that Onofrio discloses all of the features of claim 1 except a toggle control bar, that Mortensen teaches a toggle control bar, and that it would have been obvious for a person of ordinary skill to modify Onofrio to include the toggle control bar of Mortensen, to permit withdrawing the toggle bar from the opening.

Claims 2, 12, 21, and 22 are alleged to be unpatentable over the same combination in further view of Coates, U.S. Patent No. 61,399 (“Coates”) or Temple, U.S. Patent No. 3,332,118 (“Temple”). The Examiner asserts that Coates and Temple disclose that it is well known to provide a handle that is a flexible cable, and that this is merely an arbitrary design consideration.

Claims 3, 17, and 18 are alleged to be unpatentable over Onofrio in view of Burbidge, U.S. Patent No. 5,209,621 (“Burbidge”). Burbidge is cited as providing a toggle bar return spring, and the rationale for the modification of Onofrio is simply to maintain the toggle bar in the open position. Claims 19 and 20 are alleged to be unpatentable over Onofrio in combination with Mortensen, for analogous reasons.

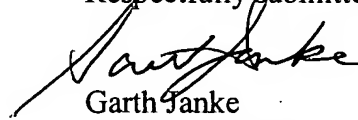
Finally, claim 4 is alleged to be unpatentable over Onofrio in view of Coates and Burbidge for the same reasons discussed above.

Aside from the allegation concerning Temple, the allegations are respectfully traversed in that they fail to recognize the importance of a flexible cable in the claimed combinations. Further, in regard to the citation of Temple, Applicants respectfully disagree that this is merely an arbitrary design consideration, or that a rod (e.g., a screw) and a cable are equivalent.

However, claim 1 is amended to further distinguish the subject matter claimed and the prior art of record. In particular, claim 1 as amended recites a hole plug that provides for locking engagement with the toggle bar in its closed position. A similar feature is already included in rejected claims 18 - 20. This feature that is not taught or suggested by any of the prior art references of record, and the Office Action does not include an allegation to the contrary.

Accordingly, Applicants respectfully submit that claims 1 - 2 and 18 - 46 remaining in this case clearly distinguish over the references of record, and the Examiner is respectfully requested to allow all of the remaining claims and pass the case to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Garth Janke', is written over the printed name.

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In the Drawings:

Figure 1 is amended to change reference designator 11B to --18A--. An amended drawing sheet is attached hereto.